



CITY OF PHILADELPHIA

DEPARTMENT OF PUBLIC HEALTH
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Facility Compliance & Enforcement
321 University Avenue, 2nd Floor
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NOTICE OF VIOLATION

July 29, 2013

CERTIFIED MAIL NO: 7010 2780 0002 7798 9571

Charles D. Barksdale Jr.
Manager, Environmental Department
Philadelphia Energy Solutions Refining and Marketing, LLC
3144 Passyunk Avenue
Philadelphia, PA 19145-5299

RE: Philadelphia Energy Solutions Refining and Marketing, LLC

PLID No.: 01501

Air Management Services (hereinafter "AMS") is charged with enforcement of Title 3 of the Philadelphia Code of Ordinances, known as the Air Management Code (hereinafter "AMC") and the Air Management Regulations (hereinafter "AMRs") promulgated thereunder, which incorporate certain state and federal regulations, including those of the Environmental Quality Board of Pennsylvania contained in 25 Pa. Code §§ 121-129 and 131-145, and those of the United States Environmental Protection Agency (hereinafter "EPA") including 40 C.F.R. § 52.21 (Prevention of Significant Deterioration of Air Quality), and 40 C.F.R. pts. 60 (New Source Performance Standards), 61 (National Emissions Standards for Hazardous Air Pollutants), and 63 (Maximum Achievable Control Technology). The AMRs applicable hereto are part of the EPA approved State Implementation Plan for Philadelphia County, for the Metropolitan Philadelphia Interstate Air Quality Control Region, 40 C.F.R. § 52.2020 et seq, pursuant to the Federal Clean Air Act, 42 U.S.C. §§ 7401-7671 et seq. The City of Philadelphia is also authorized pursuant to the Pennsylvania Air Pollution Control Act, 35 P.S. §§ 4001-4015 to enforce the applicable provisions of the Pa. Code cited above.

Philadelphia Energy Solutions Refining and Marketing, LLC (hereinafter "PES") owns and operates the PES Refinery located at 3144 Passyunk Ave, Philadelphia, PA 19145 (hereinafter "Facility"). PES submitted various reports, including Continuous Emissions Monitoring, Semi-Annual, Title V Annual Certification and SO2 Quarterly reports, pertaining to Facility operations from January 2012 through the end of December 2012. On or about July 15, 2013, AMS completed a review of said reports and identified the following violations pursuant to the authority cited above:

Due to failure to follow oil-separator maintenance and / or operating procedures, on December 13, 2012, internal inspections conducted showed three (3) hatches were closed but not latched on the #4A separator (P-131)

On December 21, 2012 heavy rains caused the level in the #2B separator (P-132) to overflow onto the separator covers.

On December 26, 2012 heavy rains caused the level in both the #2B separator (P-132) and the #4A separator (P-131) to overflow onto the separator covers.

(Each occurrence is a separate violation.)

3. Title V Operating Permit V95-038, Section D.7 (a)(4) In January 2012, instances of non-compliance with the Sampling Connection Systems Regulations (other than SOCMI units) were discovered by PES as a result of a sample station audit.

40 CFR 60.482-5

25 Pa. Code § 127.444

AMC § 3-306(5)

AMR XIII

4. Title V Operating Permit V95-038, Section D.7.5 During the 1st half of 2012, thirty eight (38) open ended lines were found during internal inspections. During the 2nd half of 2012, twenty-five (25) open ended lines were found during internal inspections.

40 C.F.R. § 60.480

40 C.F.R. § 60.590

(Each occurrence is a separate violation.)

40 C.F.R. § 63.648

40 C.F.R. §§ 61.110-61.112

25 Pa. Code § 129.58

25 Pa. Code § 127.444

AMC § 3-306(5)

AMR V § XIII.A

AMR XIII

5. Title V Operating Permit V95-038, Section C.2
On June 28, 2012 PES monitoring of the fence line detected a mercaptan odor that was released from an improperly sealed wastewater drum containing residual mercaptan from back flushing.
25 Pa. Code § 123.31
25 Pa. Code § 127.444 (Each occurrence is a separate violation.)
AMC Chapter 3-306 (5)
AMR V § XX
6. Title V Operating Permit V95-038, Section C.3
On July 23, 2012 facility's 868 FCCU (P-661) walnut shell blasting caused high vibration on the power recovery train which caused the feed to be diverted from the unit. This led to a unit shutdown, incurring 2 hours of elevated opacity readings greater than 20%.
25 Pa Code § 123.41
25 Pa Code § 127.444
On September 24, 2012 suspected heavy rains caused elevated opacity readings greater than 20% for PES's 868 FCCU (P-661) for a total of 15 minutes: 3 minutes were greater than 59% and 12 minutes were greater than 20% but less than 59%.
25 Pa Code § 127.512(c)(1)
AMC Chapter 3-306(5)
AMR II § IV.1
On October 19, 2012 suspected heavy rains caused elevated opacity readings greater than 20% for PES's 868 FCCU (P-661) for a total of 5 minutes.
AMR XIII
On December 21, 2012 the prolonged startup of PES's 868 FCCU (P-661) caused elevated opacity readings greater than 20% for an accumulated total of 8 hours.
8. Title V Operating Permit V95-038, Section D.21(a)(1)
On October 9, 2012 PES's s 868 FCCU (P-661) exceeded its 54 Lbs/Hr CO emission limit for 1 hour.
25 Pa Code § 129.91-95
25 Pa Code § 127.444
AMC Chapter 3-306(5)
AMR XIII

9. Title V Operating Permit V95-038, § D.4 (b) and D.5 (b) On September 24, 2012 PES missed the repair due date for a pump at the 433 (P-182) by 4 days.
- 40 C.F.R. § 60.480 On December 27, 2012 PES missed the repair due date for Unit 1732 benzene railcar unloading station (P-181) for a connector by 1 day.
- 40 C.F.R. § 60.590
- 40 C.F.R. § 63.648 (Each occurrence is a separate violation.)
- 40 C.F.R. §§ 61.110-61.112
- 25 Pa. Code § 129.58
- 25 Pa. Code § 127.444
- AMC § 3-306(5)
- AMR V § XIII.A
- AMR XIII
10. Title V Operating Permit V95-038, § D.3 (d) From July 1, 2012 to September 30, 2012 Continuous Emission Monitoring (CEM) of fuel gas H₂S levels for the 137 F-1 Heater (CU-013) failed to meet the quarterly 95% data availability requirement. Allowable out of service (OOS) time for 3rd quarter was 110 hours. Facility had 238 hours of OOS time.
- 25 PA Code § 127.511 and 139
- Clean Air Act § 114(a)(3) and 504(b)
- 40 C.F.R. § 60.105
- 25 Pa. Code § 127.444
- AMC Chapter 3-306(5)
- AMR V. § XX
11. Plan Approval #04322 issued on February 28, 2006, condition 5 Sunoco's 1232 FCCU failed stack test on April 25, 2013, due to exceeding the 0.50 lbs/1000 lbs coke burn off limit.
- 25 Pa. Code § 139
- AMC § 3-306(5)
- AMR XIII

The above-noted violations combined with your EPA defined Major Source classification requires that AMS place your company on the EPA High Priority Violators List and resolve this NOV within 270 days from the date when your Facility was found non-compliant. AMS is also required to recover, as a penalty, any economic benefit realized by the company as a result of non-compliance.

Philadelphia Energy Solutions Refining and Marketing, LLC may request, within ten (10) days from the receipt of this NOV, a meeting with AMS to discuss this NOV. You should direct any compliance notification, corrective action plan, request for a conference, or questions to:


Thomas Barsley
Engineering Supervisor
Air Management Services
321 University Avenue, Second Floor
Philadelphia, PA 19104-4543
(215) 685-9417

Pursuant to § 5-1005 of the Philadelphia Home Rule Charter, Philadelphia Energy Solutions Refining and Marketing, LLC has thirty (30) days to file an appeal of this NOV to the Board of Licenses and Inspections Review (BLIR). Any such appeal should include a copy of this NOV and be directed to:

Board of License and Inspection Review
Municipal Services Building, 11th Floor
1401 JFK Blvd.
Philadelphia, PA 19102

However, be advised that the exercise of your appeal rights does not prevent the Commonwealth and/or the EPA from taking separate enforcement action, will not stay any above directed action, or stay other enforcement remedies available to the City, including, but not limited to, license revocation, assessment of penalties up to \$25,000 per violation per day, remedial action, and/or criminal prosecution.

THIS NOTICE IS FINAL AND EFFECTIVE IMMEDIATELY UPON RECEIPT


JST Bajram 'Ben' Nela
Environmental Engineering Specialist
Facility Compliance and Enforcement
Air Management Services

Cc: Thomas Barsley, Engineering Supervisor



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